

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 317

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO STATE PURCHASING; AMENDING SECTION 67-5716, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5716A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CONTRACTS MADE BY STATE OFFICERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5716, Idaho Code, be, and the same is hereby amended to read as follows:

67-5716. DEFINITIONS OF TERMS. (1) Acquisition. The process of procuring or purchasing property by the state of Idaho.

(2) Procurement. Obtaining property for state use by lease, rent, or any manner other than by purchase or gift.

(3) Property. Goods, services, parts, supplies and equipment, both tangible and intangible, including, but nonexclusively, designs, plans, programs, systems, techniques and any rights and interests in such property.

(4) Goods. Items of personal property, not qualifying as equipment, parts or supplies.

(5) Services. Personal services, in excess of personnel regularly employed for whatever duration and/or covered by personnel system standards, for which bidding is not prohibited or made impractical by statute, rules or generally accepted ethical practices.

(6) Parts. Items of personal property acquired for repair or replacement of unserviceable existing items.

(7) Supplies. Items of personal property having an expendable quality or during their normal use are consumed and which require or suggest acquisition in bulk.

(8) Equipment. Items of personal property which have a normal useful life expectancy of two (2) or more years.

(9) Component. An item of property normally assembled with other items into a unified productive whole at the site of use, which items belong to functional classes that may be interchangeable units of similar function but differing operational or productive capabilities.

(10) Vendor. A person or entity capable of supplying property to the state.

(11) Bidder. A vendor who has submitted a bid on a specific item or items of property to be acquired by the state.

(12) Lowest responsible bidder. The responsible bidder whose bid reflects the lowest acquisition price to be paid by the state; except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.

1 (13) Contractor. A bidder who has been awarded an acquisition contract.

2 (14) Agency. All officers, departments, divisions, bureaus, boards,
3 commissions and institutions of the state, including the public utilities
4 commission, but excluding other legislative and judicial branches of gov-
5 ernment, and excluding the governor, the lieutenant governor, the secretary
6 of state, the state controller, the state treasurer, the attorney general,
7 and the superintendent of public instruction, and, as provided in section
8 67-5728, Idaho Code, excluding Lewis-Clark State College, Idaho State Uni-
9 versity, Boise State University and Eastern Idaho Technical College; pro-
10 vided however, that certain excluded officers shall be subject to the provi-
11 sions of section 67-5716A, Idaho Code.

12 (15) Bid. A written offer to perform a contract to purchase or supply
13 property or services in response to an invitation for bid or request for pro-
14 posal.

15 (16) Recyclable. Materials that still have useful physical, chemical
16 or biological properties after serving their original purposes and can,
17 therefore, be reasonably reused or recycled for the same or other purposes.

18 (17) Recycled-content product. A product containing postconsumer
19 waste and/or secondary waste as defined in this section.

20 (18) Postconsumer waste. A finished material which would normally be
21 disposed of as a solid waste, having completed its life cycle as a consumer
22 item.

23 (19) Secondary waste. Fragments of products or finished products of a
24 manufacturing process, which has converted a virgin resource into a commod-
25 ity of real economic value and may include a postconsumer waste.

26 (20) Open contract. A contract awarded by the state of Idaho through the
27 division of purchasing to one (1) or more vendors who have agreed to allow
28 all agencies to procure or purchase specified property under the terms and
29 conditions set forth in the contract.

30 SECTION 2. That Chapter 57, Title 67, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 67-5716A, Idaho Code, and to read as follows:

33 67-5716A. CONTRACTS MADE BY STATE OFFICERS. (1) As used in this sec-
34 tion, "state officer" means the governor, lieutenant governor, secretary of
35 state, state controller, state treasurer, attorney general and superinten-
36 dent of public instruction.

37 (2) Each state officer shall make an annual report to the legislature on
38 all contracts entered into by the officer in excess of five hundred thousand
39 dollars (\$500,000) during the previous year. Such report shall include the
40 amount of the contract, the full name and address of each party to the con-
41 tract and the duration of the contract, and shall be made on the first day of
42 the regular legislative session.

43 (3) Any contract entered into by a state officer shall expire on or be-
44 fore the end of the term of office being served by the state officer at the
45 time the contract is entered.